



DEFENSE LOGISTICS AGENCY
THE DEFENSE CONTRACT MANAGEMENT COMMAND
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FEB 20 1998

IN REPLY
REFER TO

DCMC-O

MEMORANDUM FOR COMMANDERS, DEFENSE CONTRACT MANAGEMENT
DISTRICTS
COMMANDER, DCMC PRATT & WHITNEY WEST PALM
BEACH
COMMANDER, DCMC HAMILTON STANDARD

SUBJECT: Single Process Initiative (SPI) Proposals to Eliminate Separate Certifications
from Suppliers

This memorandum provides the status of regulatory and statutory proposals that will impact SPI proposals to eliminate separate certifications from suppliers. According to the SPI database, there are two SPI proposals requesting changes to the following group of certification requirements: Clean Air and Water, Byrd (Influence Payments), Equal Employment Opportunity and Non-Segregated Facilities, Cost Accounting Standards, and Contractors Debarred, Suspended or Proposed for Debarment (see Attachment 1).

Clean Air and Water Certification (Federal Acquisition Regulation (FAR) 52.223-1 and FAR 23.105(a)): Federal Acquisition Circular 90-45, issued January 2 1997, eliminated Clean Air and Water certification requirements for commercial items. The Defense Acquisition Regulatory Council is currently reviewing a proposal to eliminate Clean Air and Water certification requirements for non-commercial items. No contract modifications can be executed for non-commercial items until final disposition of the case. We will provide updates as progress is made.

Byrd Certification: (Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions) (FAR 52.203-11 and FAR 3.808(a)): The clause at FAR 52.203-11, Certification and Disclosure Regarding Payments to Influence Certain Federal Transactions, requires the contractor to place specific certification language in all subcontracts. The certification language itself becomes enforceable in all subcontracts exceeding \$100,000. Additionally, the subcontractor is required to disclose lobbying activities if it meets the definition at FAR 52.203-12 and the subcontract exceeds \$100,000. There is nothing in this clause to indicate the contractor should collect discrete paper certifications from subcontractors. The burden is on the subcontractor to provide the prime or higher tier subcontractor with lobbying notification, as applicable. We believe this clarification eliminates the contractors' issues in this area.

Certification of Non-Segregated Facilities (FAR 52.222-21 and FAR 22.810(a)(1) and **Equal Opportunity** (FAR 52.222-26 & FAR 22.810(e)): A class deviation was issued by the Director, Defense Procurement on October 7, 1997 which amended FAR Part 22 and deleted the requirement for certification of non-segregated facilities. Please refer to AQO Memorandum, November 3, 1997, subject: Single Process Initiative (SPI) Proposals to Eliminate Subcontractor Equal Employment Opportunity (EEO) Preaward Clearance Requirements. Block change modifications may be executed within the limits prescribed by the class deviation.

Cost Accounting Standards (CAS) Notices and Certification (FAR 52.230-1 and FAR 30.201(a)): The clause at FAR 52.230-1, Cost Accounting Standards Notices and Certification, does not require the contractor to obtain a certification from the subcontractor. FAR 52.230-6 allows the contractor to include subcontractor CAS applicability in the body of a purchase order or in a letter award with the caveat that it cannot be a self-deleting provision. We believe this clarification eliminates the contractors' issues in this area.

Contractors Debarred, Suspended, or Proposed for Debarment (FAR 52.209-6): The regulatory requirement is at FAR 52.209-6, Protecting the Government's Interest when Subcontracting with Contractors Debarred, Suspended, or Proposed for Debarment. There is no specific subcontractor certification requirement. Please refer to AQO Memorandum, October 6, 1997, subject: Single Process Initiative (SPI) Proposals to Replace Subcontractor Debarment Written Certifications with "Self-Certifications." We believe this clarification eliminates the contractors' issues in this area.

Thank you for your efforts in submitting these proposals. Please inform contractors of these responses and proceed with block change modifications to implement the various changes to processes except where specifically noted above. Questions may be referred to Mr. Ron O'Daniell, SPI Team, at (703) 767-3365, or ron_odaniell@hq.dla.mil.


for JILL E. PETTIBONE
Executive Director
Contract Management Policy

Attachment

SPI Processes - Eliminate Separate Certifications from Suppliers

Hamilton Standard Division of UTC, Windsor Locks, CT, submitted January 23, 1997

Military Requirements: FAR 52.223-1 and 23.105(a) [Clean Air and Water]; FAR 52.203-12 and 3.808 [Byrd Certification]; FAR 52.209-6(b) [Contractors Debarred, Suspended,...]; FAR 22.810 [Equal Employment Opportunity] and FAR 52.222-26, 52.222-21, 52.222-25 [Non-Segregated Facilities]; FAR Part 30/(48CFR 99)/Public Law 100-679 [Cost Accounting Standards]

Proposed Process: Eliminate requirement/cause for written certification per FAR 52.223-1; eliminate requirement/cause for written certification per 52.203-11 and modify portions of FAR Part 3 to delete certification requirements; eliminate requirement/cause for written certification per 52.209-6; applicable sections of FAR Part 22 will require modification to eliminate the requirements for written certification dealing with the policies regarding contractor labor relations pertaining to the acquisition process; in FAR 30.101, delete "and to disclose in writing" and modify other sections of Part 30 to eliminate requirements for written certifications per FAR 52.230-1.

Pratt & Whitney, West Palm Beach, FL, submitted October 11, 1996

Military Requirements: FAR 52.223-1 and 23.105(a) [Clean Air & Water]; FAR 52.203-12 and 3.808 [Byrd Certification]; FAR 22.810 [Equal Employment Opportunity]; Far 52.222-26 and 52.222-21 [Non-Segregated Facilities] and FAR 30.101 [Cost Accounting Standards].

Proposed Process: Eliminate requirement for written certifications from suppliers: Clean Air & Water; Byrd Certification; Equal Employment Opportunity; and Cost Accounting Standards.